

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES, *et al.*,

Plaintiffs,

vs.

GOOGLE LLC,

Defendant.

No: 1:23-cv-00108-LMB-JFA

**GOOGLE LLC’S MEMORANDUM IN SUPPORT OF MOTION FOR
LEAVE TO FILE A SUPPLEMENTAL STATEMENT REGARDING
JOINT PROPOSAL FOR THE ADJUDICATION OF EQUITABLE REMEDIES**

Defendant Google LLC (“Google”) respectfully moves for leave pursuant to Local Civil Rule 7(F)(1) to file a Supplemental Statement Regarding Joint Proposal for the Adjudication of Equitable Remedies to explain its position on divestiture and views on the length and amount of discovery ultimately required for the remedies phase.¹

On April 17, 2025, the Court ordered the parties to submit “a joint proposed schedule for briefing and arguing their positions as to the remedies that should be imposed.” Dkt. 1411. On April 24, 2025, the parties submitted a Joint Proposal Regarding the Adjudication of Equitable Remedies (“Joint Proposal”), which proposed additional periods of fact and expert discovery pertaining to equitable remedies. Dkt. 1416. The following day, April 25, 2025, the Court stated it was “concerned about the length of time that the parties are requesting” and ordered the parties to appear for a hearing on May 2, 2025. Dkt. 1417.

¹ Counsel for Plaintiffs and Google have met and conferred regarding this motion. Plaintiffs do not oppose this motion. Google notes that Plaintiffs have separately filed a motion for leave to file their own supplemental statement. Dkt. 1419.

In advance of the May 2 hearing, Google requests leave to file a supplemental statement explaining why divestiture is unavailable as a remedy and why discovery can proceed in a more streamlined and expedited fashion absent the possibility of such a remedy. Pursuant to Local Civil Rule 7(F)(1), parties must seek leave of court before filing further briefing. The Court has discretion to grant or deny leave to file further briefing or submissions. *See, e.g., Myers v. Mercedes-Benz USA, LLC*, 2024 WL 3835076, at *6-7 (E.D. Va. Aug. 15, 2024); *Carefirst of Md., Inc. v. First Care, P.C.*, 422 F. Supp. 2d 592, 595 (E.D. Va. 2006) (granting leave to file “supplemental submission” in support of filing).

Here, the Court should exercise its discretion and grant Google’s motion for leave to file this supplemental statement. When Google submitted the Joint Proposal, it did not include its position on the availability of divestiture as an equitable remedy. Google instead agreed to the Joint Proposal based on the understanding that if divestiture remained as a possibility, the proposed schedule would be necessary to ensure Google could develop a sufficient record about the appropriateness of such a significant remedy. Now that the Court has expressed concern over the length of the parties’ proposed schedule, Google requests leave to file a supplemental statement to explain why the parties can, and should, engage in a more streamlined discovery and briefing schedule focused on behavioral remedies.

Google’s proposed Supplemental Statement is attached hereto.

Dated: April 29, 2025

Respectfully submitted,

Eric Mahr (*pro hac vice*)
Andrew Ewalt (*pro hac vice*)
Tyler Garrett (VSB # 94759)
FRESHFIELDS US LLP
700 13th Street, NW, 10th Floor
Washington, DC 20005
Telephone: (202) 777-4500
Facsimile: (202) 777-4555
eric.mahr@freshfields.com

/s/ Craig C. Reilly
Craig C. Reilly (VSB # 20942)
THE LAW OFFICE OF
CRAIG C. REILLY, ESQ:
209 Madison Street, Suite 501
Alexandria, VA 22314
Telephone: (703) 549-5354
Facsimile: (703) 549-5355
craig.reilly@ccreillylaw.com

Justina K. Sessions (*pro hac vice*)
FRESHFIELDS US LLP
855 Main Street
Redwood City, CA 94063
Telephone: (650) 618-9250
Fax: (650) 461-8276
justina.sessions@freshfields.com

Karen L. Dunn (*pro hac vice*)
Jeannie S. Rhee (*pro hac vice*)
William A. Isaacson (*pro hac vice*)
Amy J. Mauser (*pro hac vice*)
Martha L. Goodman (*pro hac vice*)
Bryon P. Becker (VSB #93384)
Erica Spevack (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
2001 K Street, NW
Washington, DC 20006-1047
Telephone: (202) 223-7300
Facsimile (202) 223-7420
kdunn@paulweiss.com

Daniel Bitton (*pro hac vice*)
AXINN, VELTROP & HARKRIDER
LLP
55 2nd Street
San Francisco, CA 94105
Telephone: (415) 490-2000
Facsimile: (415) 490-2001
dbitton@axinn.com

Erin J. Morgan (*pro hac vice*)
PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019-6064
Telephone: (212) 373-3387
Facsimile: (212) 492-0387
ejmorgan@paulweiss.com

Bradley Justus (VSB # 80533)
AXINN, VELTROP & HARKRIDER
LLP
1901 L Street, NW
Washington, DC 20036
Telephone: (202) 912-4700
Facsimile: (202) 912-4701
bjustus@axinn.com

Counsel for Defendant Google LLC